

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FARID MARZUQ,

Plaintiff,

v.

CHARLES ALBINO, et al.,

Defendants.

:
: Civil Action No. 09-3933 (RBK)

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: **ORDER**
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KUGLER, United States District Judge:

THIS MATTER having been opened to the Court by *pro se* Plaintiff Farid Marzuq and Susan M. Scott, Esq., counsel for Defendants Derrick Loury and Charles Warren (“Defendants”), through the following motions: (1) Plaintiff’s Motion for Default Judgment [Docket Entry No. 22]; (2) Plaintiff’s Appeal of the Magistrate Judge’s Order granting Defendants’ request for an extension of time to answer [Docket Entry No. 24]; and (3) Defendants’ Motion to Dismiss and for Summary Judgment [Docket Entry No. 25]; and the Court having reviewed the submissions and deciding this motion pursuant to FED. R. CIV. P. 78; for the reasons set forth in the accompanying Opinion filed on this date, and for good cause shown,

IT IS on this 29th day of July, 2010,

ORDERED that Defendants Loury and Warren’s Motion to Dismiss for failure to state a claim upon which relief can be granted under the First Amendment’s Establishment Clause is denied; and it is further

ORDERED that Plaintiff’s First Amendment Free Exercise of Religion claim against Defendants Loury and Warren is dismissed without prejudice; and it is further

ORDERED that Plaintiff shall have thirty days from the date of this opinion to amend his complaint to state a valid claim for violation of his right to free exercise of religion; and it is further

ORDERED that Defendants Loury and Warren's Motion for Summary Judgment on the retaliation claim is hereby granted; and it is further

ORDERED that Defendants Loury and Warren's remaining motions to dismiss and/or for summary judgment are hereby denied without prejudice and may be renewed after Defendant has filed his third amended complaint; and it is further

ORDERED that the Court will *sua sponte* dismiss Plaintiff's claims against Defendants State of New Jersey, New Jersey Department of Corrections and George Hayman; and it is further

ORDERED that Plaintiff's Motion for Default Judgment and Appeal of the Magistrate Judge's Order are hereby dismissed as moot.

A handwritten signature in black ink, appearing to read "Robert B. Kugler", is written over a horizontal line.

HONORABLE ROBERT B. KUGLER
United States District Judge